THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15318 of 2007

Dated:23.07.2007

Between:

Banukunta Shankar Rao, S/o.B.Hanumaiah.

…Petitioner

and

The District Collector,
Medak District, at Sangareddy,
and others.

…Respondents

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ORDER:

The petitioner purchased the land admeasuring Acs.3.25 guntas in Survey No.1171/P situated at Ameenpur Village of Patancheru Mandal in Medak District, under a registered sale deed bearing Document No.2983/06. He approached the Mandal Revenue Officer – third respondent herein; for issuance of Pattadar Pass Books and Title Deeds (PPBs). It appears, the third respondent issued notice in Form VIII calling for objections within a period of 45 days. At that stage, it appears, the District Collector issued Circular No.D1/7700/2005-1, dated 30.10.2006, directing all the subordinate Officials that unless and until the Joint Collector clears, PPBs cannot be issued in respect of any land which was earlier at any point of time a Government land. Therefore, it is alleged that the third respondent is not taking further action for issue of PPBs. Challenging the said Circular, dated 30.10.2006, the present Writ Petition is filed.

This Court has heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-T). Both of them brought to the notice of this Court an unreported judgment of

this Court in **M/s.IOU Projects (India Pvt.Ltd.,) v. Joint Collector, Medak District** (W.P.No.12631 of 2007, dated 02.07.2007). In the said case, a similar circular was the subject matter. Observing that such circular is *ultra vires*, this Court disposed of the matter in the following manner.

> Section 5(3) of the Act requires MRO to conduct enquiry before carrying out any amendment in the record of rights in the manner prescribed by the Rules. Rule 18(2) of the Rules requires the intimation of acquisition of rights under Section 4 of the Act to be given in Form VI-A appended to the Rules. In this case petitioner, though requested for mutation, in effect asking amendment of record of rights, in which case, the application ought to have made under Form VI-A of the Rules. As and when such an application is made, the MRO has to conduct enquiry in accordance with Rules 19 and 20 of the Rules after issuing notice of enquiry in Form VIII, and pass appropriate orders for issue of pattadar passbooks/title deeds or otherwise under Section 5(4) of the Act. The petitioner admittedly did not file any application in Form VI-A. Therefore, liberty is given to the petitioner company to file such application within a period of two weeks from the date of receipt of a copy of this order. As and when such application is filed, third respondent shall conduct enquiry as required under sub-section (3) of Section 5 of the Act r/w Rules 19 and 20 of the Rules and pass orders under Section 5(4) of the Act within a period of three months thereafter.

Following the same, this Writ Petition is disposed of directing the third respondent to consider the objections received from third parties and pass appropriate orders in the matter of issuance of PPBs to the petitioner. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

23.07.2007
vs